

Criminal Penalties - Current and Proposed

Section	Existing or Proposed Gist	Criminal Penalty -Current	Criminal Penalty - Proposed
62C, §76	Failure to Possess License or Registration as Required by §67	NLT* \$200 and NMT** \$500	Changed for 64C licensees to penalty in 64C, s. 10(a) : NMT 5 yrs SP***/2.5 yrs HC**** and/or NMT \$50,000
64C, §§5 & 11	Records required to be kept by wholesalers, retailers	none in sections; punishable under 62C, 73(c) as follows: NMT 1 yr HC and/or NMT \$25,000 for indiv/NMT \$100,000 for corp	no change proposed
64C, §10 (a)	Acting as retailer, wholesaler, etc. without being licensed	NMT \$50	NMT 5 yrs SP/2.5 yrs HC and/or NMT \$50,000
64C, §10 (a)	Acting as unclassified acquirer without being licensed	NMT 1 yr HC and/or NLT \$500 and NMT \$1000	
64C, §10 (b)	[NEW] PURCHASE BY RETAILER FROM OTHER THAN LICENSEE or (Existing) purchase or possess any cigarettes not manufactured, purchased or imported by licensee	NLT \$50 and NMT \$1000.	NMT 5 yrs SP/2.5 yrs HC and/or NMT \$50,000
64C, §10 (c)	[NEW] PROHIBITION ON CASH PURCHASES IN SUPPLY CHAIN	n/a	NMT 5 yrs SP/2.5 yrs HC and/or NMT \$50,000
64C, §10 (d)	Knowingly possessing a shipping case or other container of cigarettes, containing cigarettes not bearing the name and address of the person receiving the cigarettes from a manufacturer or with erased / defaced info	NLT \$25 and NMT \$100	NMT 2.5 HC and/or NMT \$500 per container
64C, §10 (e)	Selling or soliciting orders for cigarettes to be brought into the commonwealth to any person not a licensed manufacturer, licensee, unless the same is to be sold to or through a licensed wholesaler.	Not specified, so default penalty: NMT 1 yr HC and/or NMT \$1000	NMT 5 yrs SP/2.5 yrs HC and/or NMT \$50,000
64C, §10 6th clause	Selling a cigarette to a person under eighteen or, not being his parent or guardian, giving a cigarette or snuff or tobacco in any form to any person under eighteen	NMT \$50	deleted as duplicative of [and inconsistent in penalty with] c 270, §6
64C, §10 7th clause	As operator of tobacco vending machine or an owner or tenant of a location where a vending machine is located, permitting any person under eighteen to use the machine, or failure to have attached prohibition sign	NMT \$50	deleted as duplicative of [and inconsistent in penalty with] c 270, §6
64C, §10 (g)	Selling cigarettes through a vending machine not constructed so as to permit the commissioner readily to determine whether cigarettes being sold are stamped	Not specified, so default penalty: NMT 1 yr HC and/or NMT \$1,000	NMT \$10,000 fine
64C, §10 9th clause	Filing any false return, affidavit, or statement	NMT 1 yr HC and/or NMT \$1,000	deleted as duplicative of c. 62C, §73(f) (1) or (g)
64C, §10(h)	Violating any provision of this chapter for which no penalty has been provided	NMT 1 yr HC and/or NMT \$1,000	NMT 2.5 yr HC and/or NMT \$10,000
64C, §34	Possession, sale, etc., of unstamped cigarettes; penalty; prima facie evidence; presumptions	<12,000 - NMT 1 yr HC and/or NMT \$1,000 ≥ 12,000 - NMT 5yrs SP and/or NMT \$5,000	<30,000 - NMT 5 yrs SP/2.5 yrs HC and/or NMT \$50,000 ≥ 30,000 - NMT 10 yrs SP/2.5 yrs HC and/or NMT \$100,000
64C, §35	Possession or transportation of unstamped cigarettes; penalty; arrest, search and seizure; forfeitures	<12,000 - NMT 1 yr HC and/or NMT \$1,000 ≥ 12,000 - NMT 5yrs SP and/or NMT \$5,000	<30,000 - NMT 5 yrs SP/2.5 yrs HC and/or NMT \$50,000 ≥ 30,000 - NMT 10 yrs SP/2.5 yrs HC and/or NMT \$100,000
64C, §37	Forgery, alteration, etc., of excise stamps; unauthorized use of metering machine; penalties; forfeitures	NMT 5 yrs SP and/or NMT \$2000	NMT 5 yrs SP/2.5 yrs HC and/or NMT \$50,000;
64C, §37A	[NEW SECTION] Possession, etc. of untaxed tobacco products	n/a	<30,000 - NMT 5 yrs SP/2.5 yrs HC and/or NMT \$50,000 ≥ 30,000 - NMT 10 yrs SP/2.5 yrs HC and/or NMT \$100,000
64C, §38	Unauthorized use of excise stamps; penalty	NMT 5 yrs SP and/or NMT \$2000	NMT 5 yrs SP/2.5 yrs HC and/or NMT \$50,000;

*	NMT - Not more than
**	NLT - Not less than
***	SP - State Prison
****	HC - House of Correction